INTERNET FORM NLRB-501 (2-05)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD **CHARGE AGAINST EMPLOYER**

		FORM EXEMPT UNDER 44 U.S C 3512
	DO NOT WRITE	IN THIS SPACE
Case		Date Filed

NSTRUCTIONS:	<u> </u>	
File an original with NLRB Regional Director for the region in which th		rring.
a Name of Employer	GAINST WHOM CHARGE IS BROUGHT	b Tel No
		b Tel. No. 718-933-2183
(b) (6), (b) (7)(C)		c. Celi No.
& McDonald's USA, LLC as Joint or Single Employ	er	C. CC. 140.
		f Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	
McDonald's 36 W Fordham Rd.	(b) (6), (b) (7)(C)	g. e-Mail
Bronx, New York 10468	&	
& McDonald's USA, LLC One McDonald's Plaza	Gloria Santona	h. Number of workers employed
Oak Brook, IL 60523		50+
Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Restaurant	Food Service	
k. The above-named employer has engaged in and is engaging	in unfair labor practices within the meaning of s	ection 8(a), subsections (1) and (list
subsections) (3)	of the National L	abor Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning		· ·
within the meaning of the Act and the Postal Reorganization	•	. 3
2. Basis of the Charge (set forth a clear and concise statement	of the facts constituting the alleged unfeir labor	practices)
(See Attached)		The little
(See Attached)		
		RECEIVED
		ADD -
		APR 2 5 2013
		BELONG READER
		THE YERK ALL
		Man (i)
 Full name of party filing charge (if labor organization, give full Fast Food Workers Committee 	Il name, including local name and number)	
Fast Food Workers Committee		
		To Table
4a Address (Street and number, city, state, and ZIP code)		4b. Tel. No 702-235-6586
2-4 Nevins Street		
Brooklyn, NY 11217		4c. Cell No.
Blocklyn, 141 11211		
Blocklyn, IVI 11211		4c. Cell No. 4d. Fax No.
Blocklyn, 141 11217		4c. Cell No.
		4c. Cell No. 4d. Fax No. 4e. e-Mail
Full name of national or international labor organization of w	hich it is an affiliate or constituent unit (to be fille	4c. Cell No. 4d. Fax No. 4e. e-Mail
	hich it is an affiliate or constituent unit (to be fille	4c. Cell No. 4d. Fax No. 4e. e-Mail
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5. Full name of national or international labor organization of w organization) Fast Food Workers Committee	1	4c. Cell No. 4d. Fax No. 4e. e-Mail ed in when charge is filed by a labor Tel. No. 212-627-8100
5. Full name of national or international labor organization of worganization) Fast Food Workers Committee 6. DECLARATION I declare that I have read the above charge and that the statements	I s are true to the best of my knowledge and belief.	4c. Cell No. 4d. Fax No. 4e. e-Mail ed in when charge is filed by a labor
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5. Full name of national or international labor organization of worganization) Fast Food Workers Committee 6. DECLARATION I declare that I have read the above charge and that the statements	Is are true to the best of my knowledge and belief. Dessa Flores, Attorney (Print/Type name and title or office, if any)	4c. Cell No. 4d. Fax No. 4e. e-Mail ed in when charge is filed by a labor Tel. No. 212-627-8100 Office, if any, Cell No.

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

On a date within the last six months, the above-named employer has unlawfully interfered with, restrained and coerced employees in the exercise of their rights under the Act by:

- In or about late November 2012, unlawfully interrogating employees about their union activities;
- In or about late November 2012, promulgating a new rule prohibiting employees from eating in the lobby area of the restaurant, in order to interfere with employees' Section 7 rights;
- In or about December 2012, prohibiting employees from speaking to union organizers inside the facility; and
- In or about (b) (6), (b) (7)(c) 2013 or (b) (6), (b) (7)(c) 2013, disciplining (b) (6), (b) (7)(c) and removing (b) (6), (b) (7)(c) from the schedule for (b) (6), (b) (7)(c) in retaliation for (b) (6), (b) (7)(c) union activities.

521-001-00017; 10265239.doc



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 2 26 FEDERAL PLZ RM 3614 NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

April 26, 2013

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

& MCDONALD'S USA, LLC AS JOINT OR SINGLE EMPLOYER

36 W FORDHAM ROAD BRONX, NY 10468

GLORIA SANTONA, EXECUTIVE VICE PRESIDENT & GENERAL COUNSEL MCDONALD'S USA, LLC 1 MCDONALDS DR OAK BROOK, IL 60523-1911

Re: (b) (6), (b) (7)(C) & MCDONALD'S USA, LLC AS JOINT OR SINGLE EMPLOYER
Case 02-CA-103734

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Julie Polakoski-Rennie whose telephone number is (212)264-3888. If this Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

(b) (6), (b) (7)(C) &
MCDONALD'S USA, LLC AS JOINT OR
SINGLE EMPLOYER
Case 02-CA-103734

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

KAREN P. FERNBACH Regional Director

Laven / Bensbach

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

cc: DOREEN DAVIS, ESQ.
JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017-6727

Revised 3/21/2011	NATIONAL LABOR REL	ATIONS BOARD			
QU	ESTIONNAIRE ON COMME	RCE INFORMATION			
Please read carefully, answer all applicable ite			e and identify item number.		
CASE NAME			CASE NUMBER		
(b) (6), (b) (7)(C) & M EMPLOYER	CDONALD'S USA, LLC A	AS JOINT OR SINGLE	02-CA-103734		
1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in leg	al documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] L	LP [] PARTNERSHIP [] SO	LE PROPRIETORSHIP [] OTHE	R (Specify)		
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELAT.	IONSHIP (e.g. parent, subsidiary) OF A	LL RELATED ENTITIES		
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDI	RESS OF ALL MEMBERS OR PART	NERS		
5. IF A SOLE PROPRIETORSHIP, FUI	I. NAME AND ADDRESS OF PROP	RIFTOR			
3. If A SOLE I ROTRIET OR SHIT, TO	E WANTE AND ADDRESS OF TROP	METOR			
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products	handled or manufactured or nature of s	ervices performed)		
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7. A. PRINCIPAL LOCATION:	B. BRANCH L	OCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED				
A. Total:	B. At the address involved in this	s matter:			
9. DURING THE MOST RECENT (Che	k appropriate box): [] CALENDAR	YR [] 12 MONTHS or [] FISCA	AL YR (FY dates)
. 51				YES	NO
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may

cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in fee	deral court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

(b) (6), (b) (7)(C) LLC AS JOINT OR SIN	& MCDONALD'S USA, GLE EMPLOYER
Charged Party	
and	

Case 02-CA-103734

FAST FOOD WORKERS COMMITTEE

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 26, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C) & MCDONALD'S USA, LLC AS JOINT OR SINGLE EMPLOYER ATTN: (b) (6), (b) (7)(C) MCDONALD'S 36 W FORDHAM ROAD BRONX, NY 10468

GLORIA SANTONA, EXECUTIVE VICE PRESIDENT & GENERAL COUNSEL MCDONALD'S USA, LLC 1 MCDONALDS DR OAK BROOK, IL 60523-1911

DOREEN DAVIS, ESQ. JONES DAY 222 EAST 41ST STREET NEW YORK, NY 10017-6727

April 26, 2013	Luis Carrero, Designated Agent of NLRB
Date	Name
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 2 26 FEDERAL PLZ RM 3614 NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

April 26, 2013

FAST FOOD WORKERS COMMITTEE 2-4 NEVINS ST BROOKLYN, NY 11217-1010

Re: (b) (6), (b) (7)(C) & MCDONALD'S USA, LLC AS JOINT OR SINGLE

EMPLOYER Case 02-CA-103734

The charge that you filed in this case on April 25, 2013 has been docketed as case number 02-CA-103734. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge will be investigated by Field Attorney Julie Polakoski-Rennie whose telephone number is (212)264-3888. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

SINGLE EMPLOYER Case 02-CA-103734

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

KAREN P. FERNBACH Regional Director

Laven ! Benebach

cc: VANESSA FLORES, ESQ. LEVY RATNER, P.C. 80 EIGHT AVENUE, FL 8 NEW YORK, NY 10011-5126

REGION 2 - DOCKET SHEET (Charge against EMPLOYER)

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Comments						

ection	Allegation	Applicable?
(a)(1)	Coercive Actions (Surveillance, etc)	
	Coercive Rules	I X
	Coercive Statements (Threats, Promises of Benefits, etc.)	
	Concerted Activities (Retaliation, Discharge, Discipline)	
	Denial of Access	
	Discharge of supervisor (Parker-Robb Chevrolet)	
	Interrogation (Including Polling)	
	Lawsuits	
	Weingarten	
(a)(2)	Assistance	
4	Domination	
	Unlawful Recognition	,
t(a)(3)	Changes in Terms and Conditions of Employment	
	Discharge (Including Layoff and Refusal to Hire (not salting))	
	Discipline	X
	Lockout	
	Refusal to Consider/Hire Applicant (salting only)	
	Refusal to Hire Majority	
	Refusal to Reinstate E'ee/Striker (e.g. Laidlaw)	
	Retaliatory Lawsuit	
	Shutdown or Relocate/ Subcontract Unit Work	
	Union Security Related Actions	
8(a)(4)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire)	
	Discipline	
	Refusal to Reinstate Employee/Striker	
	Shutdown or Relocate/ Subcontract Unit Work	
8(a)(5)	Alter Ego	
	Failure to Sign Agreement	
	Refusal to Bargain/Bad Faith Bargaining (incl'g surface bargaining/direct dealing)	
	Refusal to Furnish Information	
	Refusal to Recognize	
	Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes	
	Shutdown or Relocate (e.g. First National Maint.). Subcontract World	rk
8(e)	All Allegations against an Employer	

LEVY RATNER, P.C. 80 Eighth Avenue Floor 8 New York, NY 10011-5126

(212) 627-8100 phone (212) 627-8182 fax

FACSIMILE

TO:

Hon. Karen P. Fernbach, Esq.

Regional Director, Region 2

National Labor Relations Board

FAX NO.:

(212) 264-2450

PHONE NO.:

(212) 264-0300

FROM:

Gwynne A. Wilcox

SUBJECT:

Fast Food Workers Committee and McDonald's

(McDonald's - 36 West Fordham Road - Bronx)

Our Matter ID 521-001-00017

DATE:

April 25, 2013

MESSAGE:

3 NUMBER OF PAGES TO FOLLOW

(If transmission is incomplete, please call John Torres at (212) 627-8100 x 224.)

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable laws. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original to us by U.S. mail at the address noted above. Thank you.

Richard A. Levy

Daniel J. Ratner

Pamela Jeffrey

Kevin Finnegan

Carl J. Levine 4

David Slutsky *

Richard Dorn Robert H. Stroup Dana E. Lossia¢

Allyson L. Belovin

Suzanne Hepner *

Daniel Engelstein®

Gwynne A. Wiłcox A

LEVY RATNER, P.C.

Attorneys at Law 80 Eighth Avenue, 8th Floor New York, New York 10011-7175

Telephone (212) 627-8100 Telecopier (212) 627-8182 www.levyratner.com Susan J. Cameron ^a
Micah Wissinger ^a
Ryan J. Barbur
Vanessa Flores ^a
Alexander Rabb
Michael R. Hickson
Shira T. Roza
Laureve D. Blackstone ^a
Jorge A. Cisneros
Jacqueline Tekyl ^a



April 25, 2013

BY FACSIMILE AND FIRST-CLASS MAIL

Hon. Karen P. Fernbach, Esq. Regional Director, Region 2 National Labor Relations Board 26 Federal Plaza, Room 3614 New York, NY 10278-0104

Re:

Fast Food Workers Committee and McDonald's (McDonald's - 36 West Fordham Road - Bronx)

Dear Ms. Fernbach:

I have enclosed an original of an unfair labor practice charge to be filed on behalf of Fast Food Workers Committee, against McDonald's alleging violations of Section 8(a)(1) and (3) of the Act, at 36 West Fordham Road, Bronx, NY, which is the Union's initial charge at this location.

We request a 10(j) injunction in light of the fact that the Employer disciplined employee (b) (6), (b) (7)(C) in retaliation for union activities.

Please file this charge and have the Board agent assigned to this case contact me regarding further processing of the charge.

Thank you.

Very truly yours

Quarrie & Wilcox

GAW Enclosures

521-001-00017: 10265231

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

(b) (6), (b) (7)(C) & MCDONALD'S USA, LLC AS JOINT OR SINGLE EMPLOYER

Charged Party

and

Case 02-CA-103734

FAST FOOD WORKERS COMMITTEE

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 26, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C) & MCDONALD'S

USA, LLC AS JOINT OR SINGLE

EMPLOYER

ATTN: (b) (6), (b) (7)(C)

MCDONALD'S 36 W FORDHAM ROAD BRONX, NY 10468

GLORIA SANTONA, EXECUTIVE VICE PRESIDENT & GENERAL COUNSEL MCDONALD'S USA, LLC 1 MCDONALDS DR OAK BROOK, IL 60523-1911

Date

DOREEN DAVIS, ESQ. JONES DAY 222 EAST 41ST STREET NEW YORK, NY 10017-6727

April 26, 2013

Luis Carrero, Designated Agent of NLRB
Name

MU

Signature

REGION 2 26 FEDERAL PLZ RM 3614 NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

June 10, 2013

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

& MCDONALD'S USA, LLC AS JOINT OR SINGLE EMPLOYER

36 W FORDHAM ROAD BRONX, NY 10468

DOREEN S. DAVIS, ESQ. JONES DAY 222 East 41st Street New York, NY 10017-6727

Re:

(b) (6), (b) (7)(C) & MCDONALD'S USA, LLC AS JOINT OR SINGLE EMPLOYER Case 02-CA-103734

Dear (b) (6), (b) (7)(C), Ms. DAVIS:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

KAREN P. FERNBACH Regional Director

cc: VANESSA FLORES, Esq. LEVY RATNER, P.C. 80 Eight Avenue, Floor 8 NEW YORK, NY 10011-5126

> FAST FOOD WORKERS COMMITTEE 2-4 NEVINS ST BROOKLYN, NY 11217-1010

(b) (6), (b) (7)(C) & MCDONALD'S -2-USA, LLC AS JOINT OR SINGLE EMPLOYER Case 02-CA-103734

GLORIA SANTONA, EXECUTIVE VICE PRESIDENT & GENERAL COUNSEL MCDONALD'S USA, LLC 1 MCDONALDS DR OAK BROOK, IL 60523-1911